

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
)
)
Petitioner,)
)
V.) CIVIL NO. SA-19-CV-876-_____
)
\$741,121.60 IN UNITED STATES)
CURRENCY SEIZED FROM WELLS)
FARGO BANK ACCOUNT 2000618203)
IN THE NAME OF MILISSA LYN)
PRITCHETT,)
)
Respondent.)

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., and respectfully states as follows:

I.
NATURE OF THIS ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the following property:

**\$741,121.60 in United States Currency Seized from Wells Fargo Bank
Account 2000618203 in the Name of Milissa Lyn Pritchett,**

hereinafter the "Respondent Property."

II.
JURISDICTION AND VENUE

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This

Court has *in rem* jurisdiction over the Respondent Property under Title 28 U.S.C. §§1355(b) and 1395. Venue is proper in this district pursuant to Title 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this district, and pursuant to Title 28 U.S.C. §§ 1355(b)(B) and 1395(b) because the Respondent Property is found in this district.

III.
STATUTORY BASIS FOR FORFEITURE

This is a civil forfeiture action *in rem* brought against the Respondent Property for violation of Title 18 U.S.C. § 1343 and subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 981(a)(1)(C), which states (with emphasis added):

§ 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting “*specified unlawful activity*” (as defined in section 1956(c)(7) of this title)

↓

§ 1956. Laundering of monetary instruments

(c) As used in this section—

(7) the term “*specified unlawful activity*” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title

↓

§ 1961. Definitions

As used in this chapter—

(1) “racketeering activity” means . . . (B) any act which is indictable under any of the following provisions of *title 18, United States Code*: . . . section 1343 (*relating to wire fraud*)

IV.
FACTS IN SUPPORT OF VIOLATION

On May 9, 2019, Special Agent (SA) Jason Bollen, United States Secret Service (USSS), San Antonio Field Office, received information from a Frost Bank investigator in reference to a customer, 511 Meeting Street LLC, who had wired \$742,788.90 to Wells Fargo Bank account number 2000618203 on May 06, 2019.¹ That same day, SA Bollen contacted a Wells Fargo Bank investigator and confirmed the above referenced wire transfer into account number 2000618203, in the name of Milissa Lyn Pritchett (PRITCHETT), located in Antioch, CA. The Wells Fargo Bank investigator advised that PRITCHETT had attempted to withdraw approximately \$200,000.00 in cash the prior day. The Wells Fargo Bank investigator also stated that PRITCHETT is the sole owner of the account and opened it on-line on January 7, 2019, with a beginning balance of \$17.00. The Wells Fargo Bank investigator stated that most of the funds were still in the account.

Also on May 9, 2019, SA Bollen contacted Greg Bowers (BOWERS), Vice President of Accounting at 511 Meeting Street LLC, located in Austin, TX. BOWERS advised that his company, a real-estate developer, fell victim to a Business Email Compromise by wiring \$742,788.90 to Wells Fargo Bank account number 2000618203. Bowers advised the agent that on April 29, 2019, Ty Wenglar, Project Manager at 511 Meeting Street LLC (and three others) received a spoofed email from someone impersonating Gaye Gardner at gaye.gardner@mhmasnory-associates.com (notice the spelling of masonry), a subcontractor, advising 511 Meeting Street LLC of a change in payment instructions. The genuine email

¹ For jurisdiction purposes, it should be noted that all Frost Bank wire transfers occur in and out of San Antonio, TX, while the Wells Fargo servers are located in San Francisco, CA.

address for Gaye Gardner is gaye.gardner@mhmasonry-associates.com. The email advised 511 Meeting Street LLC to wire the funds to Wells Fargo Bank account number 2000618203 in the name of MH Masonry. BOWERS advised SA Bollen that based on this email, his company wired the funds as directed on May 6, 2019. BOWERS stated that the fraud was discovered when 511 Meeting Street LLC received a phone call from Frost Bank on May 9, 2019, confirming the wire transfer. Frost Bank stated that it was contacted by Wells Fargo Bank because Wells Fargo Bank noticed that the recipient name on the wire transfer did not match the name on the recipient account (MH Masonry vs. Millissa Lyn Pritchett). BOWERS stated that he then contacted MH Masonry and verified that it did not send an email changing payment instructions and that Wells Fargo Bank account number 2000618203 in the name of Milissa Lyn Pritchett had no association to MH Masonry.

USSS applied for and received state seizure warrant 2019-W-0707 (Bexar County, Texas) on May 9, 2019, to seize funds up to \$742,788.90 in Wells Fargo Bank account number 2000618203. USSS executed the state seizure warrant on Wells Fargo Bank and received \$741,121.60 in the form of cashier's check 0001794452 on May 14, 2019, which is the Respondent Property in this civil complaint. On June 3, 2019, under cause number 2019-W-0707, the 226th Judicial District, Bexar County, Texas, issued a turnover order to USSS, so the USSS could initiate federal forfeiture proceedings against the Respondent Property.

These facts reasonably establish that the Respondent Property is property traceable to the Wire Fraud violation, Title 18 U.S.C. § 1343, a specified unlawful activity, which makes said property subject to civil forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C).

V.
PRAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Property, that due notice pursuant to Rule G(4) be given to all interested parties to appear and show cause why forfeiture should not be decreed,² and in accordance with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., that the Respondent Property be forfeited to the United States of America, that the Property be disposed of in accordance with the law and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN F. BASH
United States Attorney

By:


Antonio Franco, Jr.
Assistant United States Attorney
Asset Forfeiture Section
601 NW Loop 410, suite 600
San Antonio, TX 78216
Tel: 210-384-7040
Fax: 210-384-7045
Email: antonio.franco@usdoj.gov
Texas Bar No. 00784077

Attorneys for the United States of America

² Appendix A, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Property.

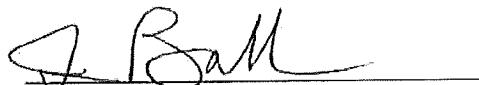
VERIFICATION

Special Agent Jason Bollen, declares and says that:

1. I am a Special Agent with the United States Secret Service, assigned to the San Antonio Field Office, and I am the investigator responsible for the accuracy of the information provided in this litigation.
2. I have read the above Verified Complaint for Forfeiture and know: the contents thereof; the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and the allegations contained in the Verified Complaint for Forfeiture are true based on information and belief.

Pursuant to Title 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of July, 2019.



Jason Bollen, Special Agent
United States Secret Service
San Antonio Field Office

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
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Petitioner,)
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V.) CIVIL NO. SA-19-CV-876-_____
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\$741,121.60 IN UNITED STATES)
CURRENCY SEIZED FROM WELLS)
FARGO BANK ACCOUNT 2000618203)
IN THE NAME OF MILISSA LYN)
PRITCHETT,)
)
Respondent.)

ORDER FOR WARRANT OF ARREST OF PROPERTY

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on the _____ day of

_____, 2019, against the following property:

\$741,121.60 in United States Currency Seized from Wells Fargo Bank Account 2000618203 in the Name of Milissa Lyn Pritchett,

hereinafter the “Respondent Property,” alleging that the Respondent Property is subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 981(a)(1)(C) for violation of Title 18 U.S.C. § 1343; IT IS THEREFORE

ORDERED that a Warrant for Arrest of Respondent Property issue as prayed for, and that the United States Secret Service or its designated agent for the Western District of Texas, or any other law enforcement officer, or any other person or organization authorized by law to enforce the warrant, be commanded to arrest the Respondent Property and to take actual or constructive possession for safe custody as provided by Rule G, Supplemental Rules of Federal Rules of Civil Procedure until further order of the Court, and to use whatever means may be appropriate to protect and maintain the Respondent Property while in custody, including designating a substitute

custodian or representative for the purposes of maintaining the care and custody of the Respondent Property and to make a return as provided by law.

SIGNED this _____ day of _____, 2019.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
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V.) CIVIL NO. SA-19-CV-876-_____
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\$741,121.60 IN UNITED STATES)
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IN THE NAME OF MILISSA LYN)
PRITCHETT,)
)
Respondent.)

WARRANT FOR THE ARREST OF PROPERTY

**TO THE UNITED STATES SECRET SERVICE, OR ITS DESIGNATED AGENT, OR
OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR ANY OTHER PERSON
OR ORGANIZATION AUTHORIZED BY LAW TO ENFORCE THE WARRANT:**

WHEREAS a Verified Complaint for Forfeiture *in rem* was filed on the _____ day
of _____, 2019, against the following property:

**\$741,121.60 in United States Currency Seized from Wells Fargo Bank Account
2000618203 in the Name of Milissa Lyn Pritchett,**

hereinafter the "Respondent Property," alleging that the Respondent Property is subject to
forfeiture to the United States of America pursuant to Title 18 U.S.C. § 981(a)(1)(C) for violation
of Title 18 U.S.C. § 1343; and

WHEREAS an Order has been entered by the United States District Court for the Western
District of Texas that a Warrant for Arrest of Property be issued as prayed for by Petitioner United
States of America.

YOU ARE THEREFORE COMMANDED to arrest and take actual or constructive
possession of Respondent Property as soon as practicable by serving a copy of this warrant on the

custodian in whose possession, custody or control the Respondent Property is presently found, and to use whatever means may be appropriate to protect and maintain the Respondent Property in your custody until further order of this Court, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Property and to make a return as provided by law.

SIGNED this _____ day of _____, 2019.

JEANNETTE CLACK
United States District Clerk
Western District of Texas

By: _____
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
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CURRENCY SEIZED FROM WELLS)
FARGO BANK ACCOUNT 2000618203)
IN THE NAME OF MILISSA LYN)
PRITCHETT,)
)
)
Respondent.)

NOTICE OF COMPLAINT FOR FORFEITURE

1. On the _____ day of _____, 2019, a Verified Complaint for Forfeiture *in rem* was filed in this Court by the United States Attorney for the Western District of Texas and Assistant United States Attorney Antonio Franco, Jr., against the property described below, which is also specifically described in the Verified Complaint for Forfeiture, for violation of Title 18 U.S.C. § 1343, Wire Fraud, and subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 981(a)(1)(C), namely:

\$741,121.60 in United States Currency Seized from Wells Fargo Bank Account 2000618203 in the Name of Milissa Lyn Pritchett,

hereinafter the “Respondent Property.”

2. Pursuant to Supplemental Rule G(4)(b), notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Property. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Property who has received direct notice of this forfeiture action must file a Claim,

APPENDIX A

in compliance with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the date of delivery, if notice was personally served.** An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21) days** of the Claim being filed.

The Claim and Answer must be filed with the Clerk of the Court, 655 E. Cesar E. Chavez Blvd., Room G65, San Antonio, Texas 78206, and copies of each must be served upon Assistant United States Attorney Antonio Franco, Jr., 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

DATE NOTICE MAILED: _____

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Antonio Franco, Jr., U.S. Attorney's Office
601 NW Loop 410, Suite 600, San Antonio, TX 78216
210-384-7040**DEFENDANTS**

\$741,121.60 in United States Currency Seized from Wells Fargo Bank Account 2000618203 in the Name of Milissa Lyn Pritchett

County of Residence of First Listed Defendant Bexar

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED:

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF	
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 18 U.S.C. § 981(a)(1)(C)					
	Brief description of cause: forfeiture of proceeds from wire fraud					

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	UNDER RULE 23, F.R.Cv.P.	741,121.60				

VIII. RELATED CASE(S) IF ANY	(See instructions):					
	JUDGE		DOCKET NUMBER			

DATE SIGNATURE OF ATTORNEY OF RECORD
07/23/2019 

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE